

ASSEMBLY BILL

No. 1544

Introduced by Assembly Member Simitian

February 21, 2003

An act to amend Section 400 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1544, as introduced, Simitian. Elections.

Under existing law, local, special, and consolidated elections may be conducted wholly by mail if the local agency's governing board so authorizes, the election is not on the same date as a statewide direct primary or general election, and one of certain other situations is satisfied. One of these situations is that the election be one in which there are no more than 1,000 registered, eligible voters.

This bill would allow these elections to be conducted wholly by mail if the election is one in which there are no more than 10,000 registered, eligible voters, and the other requirements of existing law are satisfied.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4000 of the Elections Code is amended
2 to read:
3 4000. Any local, special, or consolidated election may be
4 conducted wholly by mail provided that all of the following
5 conditions apply:
6 (a) The governing body of the local agency authorizes the use
7 of mailed ballots for the election.
8 (b) The election does not occur on the same date as a statewide
9 direct primary election or statewide general election.
10 (c) The election is one of the following:
11 (1) An election in which no more than ~~1,000~~ 10,000 registered
12 voters are eligible to participate.
13 (2) A maximum property tax rate election as provided for in
14 Section 2287 of the Revenue and Taxation Code.
15 (3) An election on a measure or measures restricted to (A) the
16 imposition of special taxes, or (B) expenditure limitation
17 overrides, or (C) both (A) and (B), in a city, county, or special
18 district with 5,000 or less registered voters calculated as of the time
19 of the last report of registration by the county elections official to
20 the Secretary of State.
21 (4) An election on the issuance of a general obligation water
22 bond in accordance with Section 12944.5 of the Water Code.
23 (5) An election of the Directors of the Monterey Peninsula
24 Water Management District as authorized in Section 122 of
25 Chapter 527 of the Statutes of 1977, known as the Monterey
26 Peninsula Water Management District Law.
27 (6) An election of the Aliso Water Management Agency, or its
28 affected member agencies, pursuant to Sections 13416 and 13417
29 of the Water Code.
30 (7) An election of the San Jacinto Mountain Area Water Study
31 Agency pursuant to Sections 13416 and 13417 of the Water Code.
32 (8) An election of the San Lorenzo Valley Water District
33 pursuant to Sections 13416 and 13417 of the Water Code.
34 (9) Any election or assessment ballot proceeding required or
35 authorized by Article XIII C or XIII D of the California

1 Constitution. However, when an assessment ballot proceeding is
2 conducted by mail pursuant to this section, the following rules
3 shall apply:

4 (A) The proceeding shall be denominated an “assessment
5 ballot proceeding” rather than an election.

6 (B) Ballots shall be denominated “assessment ballots.”

7 SEC. 2. Notwithstanding Section 17610 of the Government
8 Code, if the Commission on State Mandates determines that this
9 act contains costs mandated by the state, reimbursement to local
10 agencies and school districts for those costs shall be made pursuant
11 to Part 7 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the claim for
13 reimbursement does not exceed one million dollars (\$1,000,000),
14 reimbursement shall be made from the State Mandates Claims
15 Fund.

